

## WHAT'S NEW IN WORKERS' COMPENSATION?

To continue to provide you with information related to workers' compensation, here is the 2nd edition of the Workers' Compensation Newsletter. We hope that you find this information useful. If you have any questions, please call Ayanna Smith at (301) 734-7488 or Denise Coleman at (301) 734-8350.

### ***Hot topics:***

**Tips for Case Management:** On April 11 several of the employees on the MRP-BS Workers' Compensation Program Team attended the "One-Day Workers' Compensation Seminar", sponsored by the Metropolitan Washington Federal Safety and Health Council. Topics discussed at the training included tips and techniques for effective case management. Some of the major points covered included timely care for injured employees, expeditious return to duty, reduction of unnecessary costs, and swift action for fraudulent claims.

Here is some of the useful information that was presented:

- Only 2 percent of all claims are fraudulent. That means that 98 percent of the claims are made by employees who were legitimately injured on the job. These employees deserve to be treated expeditiously and with care and respect.
- The employee's welfare must always come first. When returning an employee to work, make sure you ask what they can do rather than what they can't do. Find out what special equipment, if any, is needed and make sure the job fits the diagnosis. Follow up with the employee after his/her return to ensure that restrictions are being adhered to.
- It is important to avoid disruption in pay. In accordance with the Federal Employees Compensation Act and Federal Worker 2000, it is your responsibility to submit all forms in a timely manner. CA-1 and CA-2 forms must be filed by the agency with Department of Labor within 14 days.
- The chargeback analysis is a valuable tool to monitor medical expenditures and look for inconsistencies in medical bills and injuries. The medical bills, or lack thereof, may indicate that the employee may not be as severely injured or disabled as claimed.
- When looking at long-term cases, it is important to check the recency of medical information, any compensation paid without medical documentation, any work-related injury that has been resolved, and the presence of non-work related conditions.
- Annuity benefits paid by the Department of Veterans Affairs and benefits for wage loss paid by OWCP are not payable for the same medical condition and the same period of time.

- Costs for long-term cases are for the life of the claimant. Re-employment is a means to reduce long term program costs. Look for light duty or reasonable accommodations where possible.
- When is a stress claim covered?
  - 👉 When stress is the result of carrying out assigned duties if the assignment of those duties is in error or abusive.
  - 👉 When stress is an emotional reaction to requirements imposed by management if those requirements are in error or abusive.
  - 👉 Performance evaluations if stress is due to an error or abuse.
  - 👉 When stress is the result of erroneous personnel actions.
- When is a stress claim not covered?
  - 👉 When stress is the result of fear of a reduction in force.
  - 👉 When stress results from frustration from not being allowed to work in a particular environment or job.
  - 👉 When stress is caused by a feeling of job insecurity.
  - 👉 When stress is caused by a desire for a different job.
  - 👉 When stress results from any appropriate personnel or administrative action.
  - 👉 When stress is due to properly performed performance evaluations.
  - 👉 When stress is the result of any grievance or EEO claim process. While a stress claim can not be based on the process, a stress claim can be made related to the actual discrimination, however, OWCP will not make any determination as to whether discrimination has occurred.
  - 👉 When stress is the result of a reassignment.
  - 👉 When stress is the result of union matters.

**Fraud Indicators:** Although almost all claims are legitimate, some are inflated or fraudulent, and you should review all claims for possible fraud. There are indicators that help isolate those claims meriting closer scrutiny. No one indicator by itself is necessarily suspicious. Even the presence of several indicators does not mean that fraud has been committed. Indicators are “red flags” only.

Here are some examples of possible fraud indicators provided by the National Insurance Crime Bureau:

- ✓ An injured worker is disgruntled, soon-to-retire, or facing imminent firing or layoff.
- ✓ An injured worker takes more time off than the claimed injury seems to warrant.
- ✓ An injured worker is new on the job.
- ✓ An injured worker is experiencing financial difficulties.
- ✓ An injured worker changes physician when a release for work has been issued.
- ✓ The accident is unwitnessed.
- ✓ Fellow workers hear rumors circulating that the accident was not legitimate.
- ✓ The employer’s first report of the claim contrasts with the description of the accident in the medical documents.
- ✓ Details of the accident are vague.
- ✓ Surveillance or “tip” that the totally disabled worker is currently employed elsewhere.
- ✓ After injury, an injured worker is never home.

- ✓ Diagnosis is inconsistent with treatment.
- ✓ The physician is known for handling suspect claims.
- ✓ The injured worker protests about returning to work and never seems to improve.
- ✓ Medical bills submitted are photocopies of originals.
- ✓ Extensive or unnecessary treatment for minor, subjective injuries.
- ✓ Injuries are all subjective, i.e., pain, headaches, nausea, inability to sleep.

If you are currently managing a case where many of these indicators are present, contact the MRP-BS Workers' Compensation Team.

**Department of Labor Reference Tables:** The following internet address will give you access to tables created by the Department of Labor: <http://www.dol-esa.gov/AgcyData/AgTables.html>  
The Department's database contains a list of the agencies and chargeback codes. You must enter USDA with codes from 8100-8999 and you will get a list of the chargeback codes. There are also tables showing occupation code, location of injury code, nature of injury code, cause of injury code, and OSHA occupation code. These codes should be used when filling out forms such as the CA-1 and CA-2 in order to provide accurate data for faster processing and correct cost chargeback.

### ***Upcoming events:***

The 2nd Annual Federal Workers' Compensation Conference and Exposition is August 13-17 at Disney's Coronado Springs Resort, Lake Buena Vista, Florida. The purpose of this conference is to provide the most effective and efficient workers' compensation case management training available. Expert faculty from a variety of Federal Departments and the private sector will provide "Best Practices" utilized by their personnel to effectively and efficiently manage a Workers' Compensation Program. For additional information, please call Ayanna Smith at (301) 734-7488.

The USDA Graduate School is offering "Workers' Compensation and Disability Retirement" training on August 29-30 in Washington, DC. This course is a starting point for developing skills on how to handle Office of Workers' Compensation Program (OWCP) and federal disability retirement claims. For additional information, please call the USDA Graduate School at (202) 314-3400.